

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RFP LLC,)	
)	Civil Action No. 10 Civ. 8159 (DLC)
Plaintiff,)	
)	
-against-)	<u>NOTICE OF MOTION</u>
)	
SCVNGR, INC.,)	
)	
Defendant.)	
)	
-----	X	
SCVNGR, INC.,)	
)	
Third-Party Plaintiff,)	
)	
-against-)	
)	
BARRY ROSENBLOOM,)	
)	
Third-Party Defendant.)	
)	
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PLEASE TAKE NOTICE that upon the Declaration of Jonathan J. Ross dated December 30, 2010, and the Exhibits annexed thereto, the accompanying Memorandum of Law, and all prior pleadings and proceedings had herein, Plaintiff-Counterclaim Defendant RFP LLC (“RFP”) and Third-Party Defendant Barry Rosenbloom (“Rosenbloom”) (RFP and Rosenbloom are sometimes hereinafter collectively referred to as “Movants”), through their undersigned counsel, Caplan & Ross, LLP, hereby move this Court for an Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and the Local Rules of this Court, (i) dismissing the Third and Fourth Counterclaims for Tortious Interference with a Business Relationship and Deceptive Trade Practices under Section 349 of the New York General Business Law, respectively, as against RFP, with prejudice; (ii) dismissing the Third-Party Complaint in its entirety, as against

Rosenbloom, with prejudice; and (iii) granting Movants such other and further relief as the Court deems just, proper and equitable.

Dated: New York, New York
December 30, 2010

CAPLAN & ROSS, LLP

By: /s/ Brian D. Caplan
Brian D. Caplan (BC-1713)
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Defendant RFP LLC and Third-Party
Defendant Barry Rosenbloom*